

Introduced by Senator McGuire

February 10, 2016

An act to amend Section 416.7 of the Health and Safety Code, relating to conservatorship and guardianship.

LEGISLATIVE COUNSEL'S DIGEST

SB 982, as introduced, McGuire. Developmentally disabled persons: conservatorships and guardianships.

Existing law authorizes the Director of Developmental Services, upon nomination and acceptance, to be appointed as either guardian or conservator of the person or estate, or both, of a developmentally disabled person. Existing law provides that the director may petition for his appointment to act as conservator or guardian in the superior court of the county where the main administrative office of the regional center serving the developmentally disabled person is located.

Existing law requires the alleged developmentally disabled person to be present at the hearing if he or she is within the state and is able to attend. Existing law provides that if he or she is unable to attend the hearing by reason of physical or other inability, that inability shall be evidenced by the affidavit or certificate of a duly licensed medical practitioner, as specified. Existing law requires that the affidavit or certificate be filed no later than 10 days prior to the time of the hearing.

This bill would instead require the affidavit or certificate described above to be filed no later than 5 days prior to the time of the hearing. The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 416.7 of the Health and Safety Code is
2 amended to read:
3 416.7. If the alleged developmentally disabled person is within
4 the state and is able to attend, he *or she* shall be present at the
5 hearing. If he *or she* is unable to attend by reason of physical or
6 other inability, ~~such~~ *that* inability shall be evidenced by the
7 affidavit or certificate of a duly licensed medical practitioner as
8 provided in Section 1825 of the Probate Code. ~~Such~~ *The* affidavit
9 or certificate shall be filed no later than ~~10~~ *five business* days prior
10 to the time of the hearing.